

State of Wisconsin
2013 - 2014 LEGISLATURE

IN 11/23



LRB-0070/1

GMM:sac:16

2
1/2/14

DOA:.....Major, BB0191 - Tribal family services program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT *do not gen*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF provides funding from various appropriations to the Indian tribes of this state for various tribal family services. Specifically, from an appropriation of general purpose revenues (GPR), DCF provides grants to Indian tribes for tribal adolescent services; from another GPR appropriation, DCF provides grants to Indian tribes for domestic abuse services; from another GPR appropriation, DCF distributes moneys to Indian tribes for child care services; and from an appropriation of federal revenues, DCF distributes moneys to Indian tribes for child welfare services. Current law also specifies the amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services.

may This bill eliminates funding from those various appropriations for those various tribal family services and instead creates a new GPR appropriation from which DCF ~~must~~ distribute tribal family services grants to the elected governing bodies of the Indian tribes in this state. The bill also eliminates the specific amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services and instead permits an elected governing body of an Indian tribe that receives a tribal family services grant to expend the grant moneys received as determined by that body.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (1) (bd) of the statutes is created to read:

2 20.437 (1) (bd) *Tribal family services grants*. The amounts in the schedule for
3 tribal family services grants under s. 48.487.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 20.437 (1) (eg) of the statutes is amended to read:

5 20.437 (1) (eg) *Brighter futures initiative and tribal adolescent services*. The
6 amounts in the schedule for the brighter futures initiative under s. 48.545 and for
7 tribal adolescent services under s. 48.487.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 3.** 48.487 (title) of the statutes is amended to read:

9 **48.487 (title) Tribal adolescent family services.**

10 **SECTION 4.** 48.487 (1m) of the statutes is amended to read:

11 48.487 (1m) TRIBAL ADOLESCENT FAMILY SERVICES ALLOCATION GRANTS. From the
12 appropriation account under s. 20.437 (1) (eg) (bd), the department may allocate
13 \$210,000 in each fiscal year to provide the grants specified ~~shall~~ distribute tribal
14 family services grants to the elected governing bodies of the Indian tribes in this
15 state. An elected governing body that receives a grant under this subsection may
16 expend the grant moneys received for any of the purposes specified in subs. (2), (3)
17 (b), and (4m) (b), (5) (b), (6), and (7) as determined by that body.

18 **SECTION 5.** 48.487 (2) of the statutes is amended to read:

1 48.487 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. ~~From the allocation under~~
2 ~~sub. (1m), the department may provide a grant annually in the amount of \$85,000~~
3 ~~to the~~ An elected governing body of an Indian tribe may expend moneys from a grant
4 received under sub. (1m) to provide services for adolescent parents ~~which. Those~~
5 services shall emphasize high school graduation and vocational preparation,
6 training, and experience and may be structured so as to strengthen the adolescent
7 parent's capacity to fulfill parental responsibilities by developing social skills and
8 increasing parenting skills. ~~The Indian tribe seeking to receive a grant to provide~~
9 ~~these~~ An Indian tribe that provides those services shall develop a proposed service
10 plan that is approved by the department.

11 **SECTION 6.** 48.487 (3) (b) of the statutes is amended to read:

12 48.487 (3) (b) ~~From the allocation under sub. (1m), the department may provide~~
13 ~~a grant annually in the amount of \$65,000 to the~~ An elected governing body of an
14 Indian tribe may expend moneys from a grant received under sub. (1m) to provide
15 ~~to high-risk adolescents pregnancy and parenthood prevention services which to~~
16 high-risk adolescents. Those services shall be structured so as to increase the
17 development of decision-making and communications skills, promote graduation
18 from high school, and expand career and other options and ~~which~~ may address needs
19 of adolescents with respect to pregnancy prevention.

20 **SECTION 7.** 48.487 (4m) (title) of the statutes is amended to read:

21 48.487 (4m) (title) ADOLESCENT CHOICES PROJECT-GRANTS PROJECTS.

22 **SECTION 8.** 48.487 (4m) (b) (intro.) of the statutes is amended to read:

23 48.487 (4m) (b) (intro.) ~~From the allocation under sub. (1m), the department~~
24 ~~may provide a grant annually in the amount of \$60,000 to the~~ An elected governing
25 body of an Indian tribe ~~for the provision of~~ may expend moneys from a grant received

1 under sub. (1m) to provide information to members of the Indian tribe in order to
2 increase community knowledge about the problems of adolescents and to provide
3 information to and activities for adolescents, particularly female adolescents, in
4 order to enable the adolescents to develop skills with respect to all of the following:

5 **SECTION 9.** 48.487 (4m) (c) of the statutes is amended to read:

6 48.487 (4m) (c) ~~Each funded tribal project~~ An Indian tribe that provides
7 services under par. (b) shall provide those services in ~~areas~~ an area of the state ~~as that~~
8 is approved by the Indian tribe and the department. The department shall
9 determine the boundaries of the ~~regional areas prior to soliciting project grant~~
10 applications regions in this state within which the Indian tribes may provide services
11 under par. (b) before approving the service area of an Indian tribe under this
12 paragraph.

13 **SECTION 10.** 48.487 (4m) (d) of the statutes is amended to read:

14 48.487 (4m) (d) ~~Prior to making grants to applying Indian tribes under par. (b)~~
15 approving the service area of an Indian tribe under par. (c), the department shall
16 consider whether and how the ~~applying~~ Indian tribe proposes to coordinate its
17 services with other public or private resources, programs, or activities in the region
18 and the state.

19 **SECTION 11.** 48.487 (4m) (e) of the statutes is amended to read:

20 48.487 (4m) (e) The department shall work closely with the women's council
21 and the department of public instruction, on a continuing basis, concerning the scope
22 and direction of activities ~~under projects funded by the program~~ conducted under
23 par. (b).

24 **SECTION 12.** 48.487 (5) of the statutes is created to read:

25 48.487 (5) DOMESTIC ABUSE SERVICES. (a) In this subsection:

1 1. "Domestic abuse" means physical abuse, including a violation of s. 940.225
2 (1), (2), or (3), or any threat of physical abuse between adult family or adult household
3 members, by a minor family or minor household member against an adult family or
4 adult household member, by an adult against his or her adult former spouse or by an
5 adult against an adult with whom the person has a child in common.

6 2. "Domestic abuse services" means any of the following:

7 a. Shelter facilities or private home shelter care.

8 b. Advocacy and counseling for victims.

9 c. A 24-hour telephone service.

10 d. Community education.

11 3. "Family member" means a spouse, a parent, a child, or a person related by
12 blood or adoption to another person.

13 4. "Household member" means a person currently or formerly residing in a
14 place of abode with another person.

15 (b) Subject to pars. (c) and (d), an elected governing body of an Indian tribe may
16 expend moneys from a grant received under sub. (1m) to provide domestic abuse
17 services.

18 (c) An elected governing body of an Indian tribe may provide shelter facilities
19 only if the department of safety and professional services determines that the
20 physical plant of the facility will not be dangerous to the health or safety of the
21 residents when the facility is in operation. An elected governing body of an Indian
22 tribe may provide shelter facilities or private home shelter care only if the body
23 ensures that the following services will be provided either by that Indian tribe or by
24 another person:

25 1. A 24-hour telephone service.

2. Temporary housing and food.
3. Advocacy and counseling for victims.
4. Referral and follow-up services.
5. Arrangements for education of school-age children.
6. Emergency transportation to the shelter.
7. Community education.

(d) An Indian tribe that provides domestic abuse services under this subsection shall report all of the following information to the department by February 15 annually:

1. The total expenditures that the Indian tribe made on domestic abuse services in the previous tribal fiscal year.

2. The expenditures specified in par. (a) by general category of domestic abuse services provided.

3. The number of persons served in the previous tribal fiscal year by general type of domestic abuse service.

4. The number of persons who were in need of domestic abuse services in the previous tribal fiscal year but who did not receive the domestic abuse services that they needed.

SECTION 13. 48.487 (7) of the statutes is created to read:

48.487 (7) CHILD WELFARE SERVICES. An elected governing body of an Indian tribe may expend moneys from a grant received under sub. (1m) to provide child welfare services as authorized under 42 USC 621 to 628b.

SECTION 14. 48.563 (1) (a) of the statutes is amended to read:

48.563 (1) (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b), (km), and (o), the department shall distribute

1 funds for children and family services to county departments as provided in subs. (2),
2 (3), and (7m) and s. 48.986.

3 **SECTION 15.** 48.563 (3) of the statutes is renumbered 48.487 (6) and amended
4 to read:

5 48.487 (6) TRIBAL CHILD CARE. ~~For~~ An elected governing body of an Indian tribe
6 may expend moneys from a grant received under sub. (1m) to provide child care
7 services under 42 USC 9858, ~~the department shall distribute not more than \$412,800~~
8 ~~in each fiscal year from the appropriation account under s. 20.437 (1) (b) to Indian~~
9 ~~tribes.~~ An Indian tribe that receives funding under this subsection shall use that
10 funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

11 **SECTION 16.** 49.165 (1) (d) (intro.) of the statutes is amended to read:

12 49.165 (1) (d) (intro.) "Organization" means a nonprofit corporation, or a public
13 agency ~~or a federally recognized American Indian tribe or band~~ that provides or
14 proposes to provide any of the following domestic abuse services:

15 (END)

Malaise, Gordon

From: Major, Katrina L - DOA <Katrina.Major@wisconsin.gov>
Sent: Thursday, February 07, 2013 11:49 AM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA
Subject: RE: 0070/2

On the match requirement, DCF would like to require the tribes to continue to provide a match on the domestic abuse funds they expend. Given that we won't necessarily know that amount until after the contract is closed, could we include something in s. 48.487(5) that says the tribe is required to provide a match as determined by the department for domestic abuse services?

From: Malaise, Gordon [<mailto:Gordon.Malaise@legis.wisconsin.gov>]
Sent: Thursday, February 07, 2013 10:45 AM
To: Major, Katrina L - DOA
Subject: RE: 0070/2

Correct. A match is not required for the new provision. In the new provision, the tribe receives one block grant, which it may then allocate among the various programs. Section 48.487, both under current law and under the new provision, does not require a match. If you want tribes to match what they expend for domestic abuse services, a narrowly tailored provision that applies just to domestic abuse expenditures would have to be added.

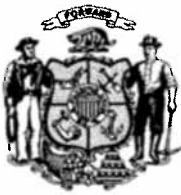
You are correct that "par. (a)" at page 6, line 12. is incorrect. It should read "subd. 1."

From: Major, Katrina L - DOA [<mailto:Katrina.Major@wisconsin.gov>]
Sent: Wednesday, February 06, 2013 5:47 PM
To: Malaise, Gordon
Cc: Kraus, Jennifer - DOA; Nikolay, Robert A - DCF
Subject: RE: 0070/2

Also, I think in section 12 line 12 par a should read par 1?

From: Major, Katrina L - DOA
Sent: Wednesday, February 06, 2013 5:40 PM
To: Nikolay, Robert A - DCF; Malaise, Gordon (Gordon.Malaise@legis.wisconsin.gov)
Cc: Kraus, Jennifer - DOA
Subject: 0070/2

In the domestic abuse provision 49.165(2)(d), a match is required (which looks to me to include tribal grants). Is it correct that this match is not required in the new provision that is based on this old provision?



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0070/2

GMM:sac:rs

EN 217

3
SM2

DOA:.....Major, BB0191 – Tribal family services program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT *do not gen*; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF provides funding from various appropriations to the Indian tribes of this state for various tribal family services. Specifically, from an appropriation of general purpose revenues (GPR), DCF provides grants to Indian tribes for tribal adolescent services; from another GPR appropriation, DCF provides grants to Indian tribes for domestic abuse services; from another GPR appropriation, DCF distributes moneys to Indian tribes for child care services; and from an appropriation of federal revenues, DCF distributes moneys to Indian tribes for child welfare services. Current law also specifies the amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services.

This bill eliminates funding from those various appropriations for those various tribal family services and instead creates a new GPR appropriation from which DCF may distribute tribal family services grants to the elected governing bodies of the Indian tribes in this state. The bill also eliminates the specific amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services and instead permits an elected governing body of an Indian tribe that receives a tribal family services grant to expend the grant moneys received as determined by that body.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (1) (bd) of the statutes is created to read:

2 20.437 (1) (bd) *Tribal family services grants*. The amounts in the schedule for
3 tribal family services grants under s. 48.487.

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 20.437 (1) (eg) of the statutes is amended to read:

5 20.437 (1) (eg) *Brighter futures initiative ~~and tribal adolescent services~~*. The
6 amounts in the schedule for the brighter futures initiative under s. 48.545 ~~and for~~
7 ~~tribal adolescent services under s. 48.487.~~

 ***NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 3.** 48.487 (title) of the statutes is amended to read:

9 **48.487 (title) Tribal adolescent family services.**

10 **SECTION 4.** 48.487 (1m) of the statutes is amended to read:

11 48.487 (1m) TRIBAL ADOLESCENT FAMILY SERVICES ALLOCATION GRANTS. From the
12 appropriation account under s. 20.437 (1) (eg) (bd), the department may ~~allocate~~
13 ~~\$210,000 in each fiscal year to provide the grants specified~~ distribute tribal family
14 services grants to the elected governing bodies of the Indian tribes in this state. An
15 elected governing body that receives a grant under this subsection may expend the
16 grant moneys received for any of the purposes specified in subs. (2), (3) (b), ~~and~~ (4m)
17 (b), (5) (b), (6), and (7) as determined by that body.

18 **SECTION 5.** 48.487 (2) of the statutes is amended to read:

1 48.487 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. ~~From the allocation under~~
2 ~~sub. (1m), the department may provide a grant annually in the amount of \$85,000~~
3 ~~to the~~ An elected governing body of an Indian tribe may expend moneys from a grant
4 received under sub. (1m) to provide services for adolescent parents ~~which~~. Those
5 services shall emphasize high school graduation and vocational preparation,
6 training, and experience and may be structured so as to strengthen the adolescent
7 parent's capacity to fulfill parental responsibilities by developing social skills and
8 increasing parenting skills. ~~The Indian tribe seeking to receive a grant to provide~~
9 ~~these~~ An Indian tribe that provides those services shall develop a proposed service
10 plan that is approved by the department.

11 **SECTION 6.** 48.487 (3) (b) of the statutes is amended to read:

12 48.487 (3) (b) ~~From the allocation under sub. (1m), the department may provide~~
13 ~~a grant annually in the amount of \$65,000 to the~~ An elected governing body of an
14 Indian tribe may expend moneys from a grant received under sub. (1m) to provide
15 ~~to high-risk adolescents pregnancy and parenthood prevention services which to~~
16 high-risk adolescents. Those services shall be structured so as to increase the
17 development of decision-making and communications skills, promote graduation
18 from high school, and expand career and other options and ~~which~~ may address needs
19 of adolescents with respect to pregnancy prevention.

20 **SECTION 7.** 48.487 (4m) (title) of the statutes is amended to read:

21 48.487 (4m) (title) ADOLESCENT CHOICES ~~PROJECT GRANTS~~ PROJECTS.

22 **SECTION 8.** 48.487 (4m) (b) (intro.) of the statutes is amended to read:

23 48.487 (4m) (b) (intro.) ~~From the allocation under sub. (1m), the department~~
24 ~~may provide a grant annually in the amount of \$60,000 to the~~ An elected governing
25 body of an Indian tribe ~~for the provision of~~ may expend moneys from a grant received

1 under sub. (1m) to provide information to members of the Indian tribe in order to
2 increase community knowledge about the problems of adolescents and to provide
3 information to and activities for adolescents, particularly female adolescents, in
4 order to enable the adolescents to develop skills with respect to all of the following:

5 **SECTION 9.** 48.487 (4m) (c) of the statutes is amended to read:

6 48.487 (4m) (c) ~~Each funded tribal project~~ An Indian tribe that provides
7 services under par. (b) shall provide those services in ~~areas~~ an area of the state as that
8 is approved by the Indian tribe and the department. The department shall
9 determine the boundaries of the ~~regional areas prior to soliciting project grant~~
10 ~~applications~~ regions in this state within which the Indian tribes may provide services
11 under par. (b) before approving the service area of an Indian tribe under this
12 paragraph.

13 **SECTION 10.** 48.487 (4m) (d) of the statutes is amended to read:

14 48.487 (4m) (d) Prior to ~~making grants to applying~~ Indian tribes under par. (b)
15 approving the service area of an Indian tribe under par. (c), the department shall
16 consider whether and how the ~~applying~~ Indian tribe proposes to coordinate its
17 services with other public or private resources, programs, or activities in the region
18 and the state.

19 **SECTION 11.** 48.487 (4m) (e) of the statutes is amended to read:

20 48.487 (4m) (e) The department shall work closely with the women's council
21 and the department of public instruction, on a continuing basis, concerning the scope
22 and direction of activities ~~under projects funded by the program~~ conducted under
23 par. (b).

24 **SECTION 12.** 48.487 (5) of the statutes is created to read:

25 48.487 (5) DOMESTIC ABUSE SERVICES. (a) In this subsection:

1 1. "Domestic abuse" means physical abuse, including a violation of s. 940.225
2 (1), (2), or (3), or any threat of physical abuse between adult family or adult household
3 members, by a minor family or minor household member against an adult family or
4 adult household member, by an adult against his or her adult former spouse or by an
5 adult against an adult with whom the person has a child in common.

6 2. "Domestic abuse services" means any of the following:

7 a. Shelter facilities or private home shelter care.

8 b. Advocacy and counseling for victims.

9 c. A 24-hour telephone service.

10 d. Community education.

11 3. "Family member" means a spouse, a parent, a child, or a person related by
12 blood or adoption to another person.

13 4. "Household member" means a person currently or formerly residing in a
14 place of abode with another person.

15 (b) Subject to pars. (c) and (d), an elected governing body of an Indian tribe may
16 expend moneys from a grant received under sub. (1m) to provide domestic abuse
17 services.

18 (c) An elected governing body of an Indian tribe may provide shelter facilities
19 only if the department of safety and professional services determines that the
20 physical plant of the facility will not be dangerous to the health or safety of the
21 residents when the facility is in operation. An elected governing body of an Indian
22 tribe may provide shelter facilities or private home shelter care only if the body
23 ensures that the following services will be provided either by that Indian tribe or by
24 another person:

25 1. A 24-hour telephone service.

If an elected governing body ~~group~~ of an Indian tribe ~~expends those~~ ^{expends those} moneys for those services, the body shall provide matching funds or in-kind contributions in an amount to be determined by the department. The department shall establish guidelines regarding the types of contributions that qualify as in-kind contributions.

2. Temporary housing and food.
3. Advocacy and counseling for victims.
4. Referral and follow-up services.
5. Arrangements for education of school-age children.
6. Emergency transportation to the shelter.
7. Community education.

(d) An Indian tribe that provides domestic abuse services under this subsection shall report all of the following information to the department by February 15 annually:

1. The total expenditures that the Indian tribe made on domestic abuse services in the previous tribal fiscal year.

2. The expenditures specified in ~~par. (a)~~ ^{subd. 1.} by general category of domestic abuse services provided.

3. The number of persons served in the previous tribal fiscal year by general type of domestic abuse service.

4. The number of persons who were in need of domestic abuse services in the previous tribal fiscal year but who did not receive the domestic abuse services that they needed.

SECTION 13. 48.487 (7) of the statutes is created to read:

48.487 (7) CHILD WELFARE SERVICES. An elected governing body of an Indian tribe may expend moneys from a grant received under sub. (1m) to provide child welfare services as authorized under 42 USC 621 to 628b.

SECTION 14. 48.563 (1) (a) of the statutes is amended to read:

48.563 (1) (a) Within the limits of available federal funds and of the appropriations under s. 20.437 (1) (b), (km), and (o), the department shall distribute

1 funds for children and family services to county departments as provided in subs. (2),
2 (~~3~~), and (7m) and s. 48.986.

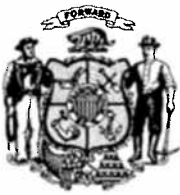
3 **SECTION 15.** 48.563 (3) of the statutes is renumbered 48.487 (6) and amended
4 to read:

5 48.487 (6) TRIBAL CHILD CARE. ~~For~~ An elected governing body of an Indian tribe
6 may expend moneys from a grant received under sub. (1m) to provide child care
7 services under 42 USC 9858, ~~the department shall distribute not more than \$412,800~~
8 ~~in each fiscal year from the appropriation account under s. 20.437 (1) (b) to Indian~~
9 ~~tribes.~~ An Indian tribe that receives funding under this subsection shall use that
10 funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

11 **SECTION 16.** 49.165 (1) (d) (intro.) of the statutes is amended to read:

12 49.165 (1) (d) (intro.) "Organization" means a nonprofit corporation, or a public
13 agency ~~or a federally recognized American Indian tribe or band~~ that provides or
14 proposes to provide any of the following domestic abuse services:

15 (END)



State of Wisconsin
2013-2014 LEGISLATURE



LRB-0070/8

GMM:sac:rs

IN 2/13

DN 05E

DOA:.....Major, BB0191 – Tribal family services program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT *do not gen* ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF provides funding from various appropriations to the Indian tribes of this state for various tribal family services. Specifically, from an appropriation of general purpose revenues (GPR), DCF provides grants to Indian tribes for tribal adolescent services; from another GPR appropriation, DCF provides grants to Indian tribes for domestic abuse services; from another GPR appropriation, DCF distributes moneys to Indian tribes for child care services; and from an appropriation of federal revenues, DCF distributes moneys to Indian tribes for child welfare services. Current law also specifies the amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services.

This bill eliminates funding from those various appropriations for those various tribal family services and instead creates a new GPR appropriation from which DCF may distribute tribal family services grants to the elected governing bodies of the Indian tribes in this state. The bill also eliminates the specific amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services and instead permits an elected governing body of an Indian tribe that receives a tribal family services grant to expend the grant moneys received as determined by that body.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (1) (bd) of the statutes is created to read:

2 20.437 (1) (bd) *Tribal family services grants*. The amounts in the schedule for
3 tribal family services grants under s. 48.487.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 20.437 (1) (eg) of the statutes is amended to read:

5 20.437 (1) (eg) *Brighter futures initiative and tribal adolescent services*. The
6 amounts in the schedule for the brighter futures initiative under s. 48.545 and for
7 tribal adolescent services under s. 48.487.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 3.** 48.487 (title) of the statutes is amended to read:

9 **48.487 (title) Tribal adolescent family services.**

10 **SECTION 4.** 48.487 (1m) of the statutes is amended to read:

11 48.487 (1m) TRIBAL ADOLESCENT FAMILY SERVICES ALLOCATION GRANTS. From the
12 appropriation account under s. 20.437 (1) (eg) (bd), the department may allocate
13 \$210,000 in each fiscal year to provide the grants specified distribute tribal family
14 services grants to the elected governing bodies of the Indian tribes in this state. An
15 elected governing body that receives a grant under this subsection may expend the
16 grant moneys received for any of the purposes specified in subs. (2), (3) (b), and (4m)
17 (b), (5) (b), (6), and (7) as determined by that body.

18 **SECTION 5.** 48.487 (2) of the statutes is amended to read:

1 48.487 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. ~~From the allocation under~~
2 ~~sub. (1m), the department may provide a grant annually in the amount of \$85,000~~
3 ~~to the~~ An elected governing body of an Indian tribe may expend moneys from a grant
4 received under sub. (1m) to provide services for adolescent parents ~~which. Those~~
5 services shall emphasize high school graduation and vocational preparation,
6 training, and experience and may be structured so as to strengthen the adolescent
7 parent's capacity to fulfill parental responsibilities by developing social skills and
8 increasing parenting skills. ~~The Indian tribe seeking to receive a grant to provide~~
9 ~~these~~ An Indian tribe that provides those services shall develop a proposed service
10 plan that is approved by the department.

11 **SECTION 6.** 48.487 (3) (b) of the statutes is amended to read:

12 48.487 (3) (b) ~~From the allocation under sub. (1m), the department may provide~~
13 ~~a grant annually in the amount of \$65,000 to the~~ An elected governing body of an
14 Indian tribe may expend moneys from a grant received under sub. (1m) to provide
15 ~~to high-risk adolescents pregnancy and parenthood prevention services which to~~
16 high-risk adolescents. Those services shall be structured so as to increase the
17 development of decision-making and communications skills, promote graduation
18 from high school, and expand career and other options and ~~which~~ may address needs
19 of adolescents with respect to pregnancy prevention.

20 **SECTION 7.** 48.487 (4m) (title) of the statutes is amended to read:

21 48.487 (4m) (title) ADOLESCENT CHOICES PROJECT GRANTS PROJECTS.

22 **SECTION 8.** 48.487 (4m) (b) (intro.) of the statutes is amended to read:

23 48.487 (4m) (b) (intro.) ~~From the allocation under sub. (1m), the department~~
24 ~~may provide a grant annually in the amount of \$60,000 to the~~ An elected governing
25 body of an Indian tribe ~~for the provision of~~ may expend moneys from a grant received

1 under sub. (1m) to provide information to members of the Indian tribe in order to
2 increase community knowledge about the problems of adolescents and to provide
3 information to and activities for adolescents, particularly female adolescents, in
4 order to enable the adolescents to develop skills with respect to all of the following:

5 **SECTION 9.** 48.487 (4m) (c) of the statutes is amended to read:

6 48.487 (4m) (c) ~~Each funded tribal project~~ An Indian tribe that provides
7 services under par. (b) shall provide those services in ~~areas~~ an area of the state ~~as that~~
8 is approved by the Indian tribe and the department. The department shall
9 determine the boundaries of the ~~regional areas~~ prior to soliciting project grant
10 applications regions in this state within which the Indian tribes may provide services
11 under par. (b) before approving the service area of an Indian tribe under this
12 paragraph.

13 **SECTION 10.** 48.487 (4m) (d) of the statutes is amended to read:

14 48.487 (4m) (d) ~~Prior to making grants to applying Indian tribes under par. (b)~~
15 approving the service area of an Indian tribe under par. (c), the department shall
16 consider whether and how the ~~applying~~ Indian tribe proposes to coordinate its
17 services with other public or private resources, programs, or activities in the region
18 and the state.

19 **SECTION 11.** 48.487 (4m) (e) of the statutes is amended to read:

20 48.487 (4m) (e) The department shall work closely with the women's council
21 and the department of public instruction, on a continuing basis, concerning the scope
22 and direction of activities ~~under projects funded by the program~~ conducted under
23 par. (b).

24 **SECTION 12.** 48.487 (5) of the statutes is created to read:

25 48.487 (5) DOMESTIC ABUSE SERVICES. (a) In this subsection:

1 1. “Domestic abuse” means physical abuse, including a violation of s. 940.225
2 (1), (2), or (3), or any threat of physical abuse between adult family or adult household
3 members, by a minor family or minor household member against an adult family or
4 adult household member, by an adult against his or her adult former spouse or by an
5 adult against an adult with whom the person has a child in common.

6 2. “Domestic abuse services” means any of the following:

7 a. Shelter facilities or private home shelter care.

8 b. Advocacy and counseling for victims.

9 c. A 24-hour telephone service.

10 d. Community education.

11 3. “Family member” means a spouse, a parent, a child, or a person related by
12 blood or adoption to another person.

13 4. “Household member” means a person currently or formerly residing in a
14 place of abode with another person.

15 (b) Subject to pars. (c) and (d), an elected governing body of an Indian tribe may
16 expend moneys from a grant received under sub. (1m) to provide domestic abuse
17 services. If an elected governing body of an Indian tribe expends those moneys for
18 those services, the body shall provide matching funds or in-kind contributions in an
19 amount to be determined by the department. The department shall establish
20 guidelines regarding the types of contributions that qualify as in-kind contributions.

21 (c) An elected governing body of an Indian tribe may provide shelter facilities
22 only if the department of safety and professional services determines that the
23 physical plant of the facility will not be dangerous to the health or safety of the
24 residents when the facility is in operation. An elected governing body of an Indian
25 tribe may provide shelter facilities or private home shelter care only if the body

1 ensures that the following services will be provided either by that Indian tribe or by
2 another person:

- 3 1. A 24-hour telephone service.
- 4 2. Temporary housing and food.
- 5 3. Advocacy and counseling for victims.
- 6 4. Referral and follow-up services.
- 7 5. Arrangements for education of school-age children.
- 8 6. Emergency transportation to the shelter.
- 9 7. Community education.

10 (d) An Indian tribe that provides domestic abuse services under this subsection
11 shall report all of the following information to the department by February 15
12 annually:

- 13 1. The total expenditures that the Indian tribe made on domestic abuse services
14 in the previous tribal fiscal year.
- 15 2. The expenditures specified in subd. 1. by general category of domestic abuse
16 services provided.
- 17 3. The number of persons served in the previous tribal fiscal year by general
18 type of domestic abuse service.
- 19 4. The number of persons who were in need of domestic abuse services in the
20 previous tribal fiscal year but who did not receive the domestic abuse services that
21 they needed.

22 **SECTION 13.** 48.487 (7) of the statutes is created to read:

23 48.487 (7) CHILD WELFARE SERVICES. An elected governing body of an Indian
24 tribe may expend moneys from a grant received under sub. (1m) to provide child
25 welfare services as authorized under 42 USC 621 to 628b.

1 **SECTION 14.** 48.563 (1) (a) of the statutes is amended to read:

2 48.563 (1) (a) Within the limits of available federal funds and of the
3 appropriations under s. 20.437 (1) (b), (km), and (o), the department shall distribute
4 funds for children and family services to county departments as provided in subs. (2),
5 (3), and (7m) and s. 48.986.

6 **SECTION 15.** 48.563 (3) of the statutes is renumbered 48.487 (6) and amended
7 to read:

8 48.487 (6) TRIBAL CHILD CARE. For An elected governing body of an Indian tribe
9 may expend moneys from a grant received under sub. (1m) to provide child care
10 services under 42 USC 9858, the department shall distribute not more than \$412,800
11 in each fiscal year from the appropriation account under s. 20.437 (1) (b) to Indian
12 tribes. An Indian tribe that receives funding under this subsection shall use that
13 funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

14 **SECTION 16.** 49.165 (1) (d) (intro.) of the statutes is amended to read:

15 49.165 (1) (d) (intro.) "Organization" means a nonprofit corporation, or a public
16 agency ~~or a federally recognized American Indian tribe or band~~ that provides or
17 proposes to provide any of the following domestic abuse services:

18 (END)

COMM:sac:

Katie Major

DNSE

- date -

Katie Major:

This draft reconciles LRB - 0068/4 and LRB-0070/3

Both LRB-0068 and LRB-0070 should continue to

appear in the compiled bill.

GMM

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-0070/4dn
GMM:sac:rs

February 13, 2013

Katie Major:

This draft reconciles LRB-0068/4 and LRB-0070/3. Both LRB-0068 and LRB-0070 should continue to appear in the compiled bill.

Gordon M. Malaise
Senior Legislative Attorney
Phone: (608) 266-9738
E-mail: gordon.malaise@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-0070/4

GMM:sac:rs

DOA:.....Major, BB0191 – Tribal family services program

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, DCF provides funding from various appropriations to the Indian tribes of this state for various tribal family services. Specifically, from an appropriation of general purpose revenues (GPR), DCF provides grants to Indian tribes for tribal adolescent services; from another GPR appropriation, DCF provides grants to Indian tribes for domestic abuse services; from another GPR appropriation, DCF distributes moneys to Indian tribes for child care services; and from an appropriation of federal revenues, DCF distributes moneys to Indian tribes for child welfare services. Current law also specifies the amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services.

This bill eliminates funding from those various appropriations for those various tribal family services and instead creates a new GPR appropriation from which DCF may distribute tribal family services grants to the elected governing bodies of the Indian tribes in this state. The bill also eliminates the specific amounts that DCF may provide for tribal adolescent services and must distribute for tribal child care services and instead permits an elected governing body of an Indian tribe that receives a tribal family services grant to expend the grant moneys received as determined by that body.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.437 (1) (bd) of the statutes is created to read:

2 20.437 (1) (bd) *Tribal family services grants*. The amounts in the schedule for
3 tribal family services grants under s. 48.487.

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

4 **SECTION 2.** 20.437 (1) (eg) of the statutes is amended to read:

5 20.437 (1) (eg) *Brighter futures initiative and tribal adolescent services*. The
6 amounts in the schedule for the brighter futures initiative under s. 48.545 and for
7 ~~tribal adolescent services under s. 48.487.~~

 ****NOTE: This SECTION involves a change in an appropriation that must be reflected in the revised schedule in s. 20.005, stats.

8 **SECTION 3.** 48.487 (title) of the statutes is amended to read:

9 **48.487 (title) Tribal adolescent family services.**

10 **SECTION 4.** 48.487 (1m) of the statutes is amended to read:

11 48.487 (1m) TRIBAL ADOLESCENT FAMILY SERVICES ALLOCATION GRANTS. From the
12 appropriation account under s. 20.437 (1) (eg) (bd), the department may allocate
13 \$210,000 in each fiscal year to provide the grants specified distribute tribal family
14 services grants to the elected governing bodies of the Indian tribes in this state. An
15 elected governing body that receives a grant under this subsection may expend the
16 grant moneys received for any of the purposes specified in subs. (2), (3) (b), and (4m)
17 (b), (5) (b), (6), and (7) as determined by that body.

18 **SECTION 5.** 48.487 (2) of the statutes is amended to read:

1 48.487 (2) ADOLESCENT SELF-SUFFICIENCY SERVICES. ~~From the allocation under~~
2 ~~sub. (1m), the department may provide a grant annually in the amount of \$85,000~~
3 ~~to the~~ An elected governing body of an Indian tribe may expend moneys from a grant
4 received under sub. (1m) to provide services for adolescent parents ~~which~~. Those
5 services shall emphasize high school graduation and vocational preparation,
6 training, and experience and may be structured so as to strengthen the adolescent
7 parent's capacity to fulfill parental responsibilities by developing social skills and
8 increasing parenting skills. ~~The Indian tribe seeking to receive a grant to provide~~
9 ~~these~~ An Indian tribe that provides those services shall develop a proposed service
10 plan that is approved by the department.

11 SECTION 6. 48.487 (3) (b) of the statutes is amended to read:

12 48.487 (3) (b) ~~From the allocation under sub. (1m), the department may provide~~
13 ~~a grant annually in the amount of \$65,000 to the~~ An elected governing body of an
14 Indian tribe may expend moneys from a grant received under sub. (1m) to provide
15 ~~to high-risk adolescents pregnancy and parenthood prevention services which to~~
16 high-risk adolescents. Those services shall be structured so as to increase the
17 development of decision-making and communications skills, promote graduation
18 from high school, and expand career and other options and ~~which~~ may address needs
19 of adolescents with respect to pregnancy prevention.

20 SECTION 7. 48.487 (4m) (title) of the statutes is amended to read:

21 48.487 (4m) (title) ADOLESCENT CHOICES PROJECT GRANTS PROJECTS.

22 SECTION 8. 48.487 (4m) (b) (intro.) of the statutes is amended to read:

23 48.487 (4m) (b) (intro.) ~~From the allocation under sub. (1m), the department~~
24 ~~may provide a grant annually in the amount of \$60,000 to the~~ An elected governing
25 body of an Indian tribe ~~for the provision of~~ may expend moneys from a grant received

1 under sub. (1m) to provide information to members of the Indian tribe in order to
2 increase community knowledge about the problems of adolescents and to provide
3 information to and activities for adolescents, particularly female adolescents, in
4 order to enable the adolescents to develop skills with respect to all of the following:

5 **SECTION 9.** 48.487 (4m) (c) of the statutes is amended to read:

6 48.487 (4m) (c) ~~Each funded tribal project~~ An Indian tribe that provides
7 services under par. (b) shall provide those services in ~~areas~~ an area of the state as that
8 is approved by the Indian tribe and the department. The department shall
9 determine the boundaries of the ~~regional areas prior to soliciting project grant~~
10 ~~applications~~ regions in this state within which the Indian tribes may provide services
11 under par. (b) before approving the service area of an Indian tribe under this
12 paragraph.

13 **SECTION 10.** 48.487 (4m) (d) of the statutes is amended to read:

14 48.487 (4m) (d) ~~Prior to making grants to applying Indian tribes under par. (b)~~
15 ~~approving the service area of an Indian tribe under par. (c),~~ the department shall
16 consider whether and how the ~~applying~~ Indian tribe proposes to coordinate its
17 services with other public or private resources, programs, or activities in the region
18 and the state.

19 **SECTION 11.** 48.487 (4m) (e) of the statutes is amended to read:

20 48.487 (4m) (e) The department shall work closely with the women's council
21 and the department of public instruction, on a continuing basis, concerning the scope
22 and direction of activities ~~under projects funded by the program~~ conducted under
23 par. (b).

24 **SECTION 12.** 48.487 (5) of the statutes is created to read:

25 48.487 (5) DOMESTIC ABUSE SERVICES. (a) In this subsection:

1 1. “Domestic abuse” means physical abuse, including a violation of s. 940.225
2 (1), (2), or (3), or any threat of physical abuse between adult family or adult household
3 members, by a minor family or minor household member against an adult family or
4 adult household member, by an adult against his or her adult former spouse or by an
5 adult against an adult with whom the person has a child in common.

6 2. “Domestic abuse services” means any of the following:

7 a. Shelter facilities or private home shelter care.

8 b. Advocacy and counseling for victims.

9 c. A 24-hour telephone service.

10 d. Community education.

11 3. “Family member” means a spouse, a parent, a child, or a person related by
12 blood or adoption to another person.

13 4. “Household member” means a person currently or formerly residing in a
14 place of abode with another person.

15 (b) Subject to pars. (c) and (d), an elected governing body of an Indian tribe may
16 expend moneys from a grant received under sub. (1m) to provide domestic abuse
17 services. If an elected governing body of an Indian tribe expends those moneys for
18 those services, the body shall provide matching funds or in-kind contributions in an
19 amount to be determined by the department. The department shall establish
20 guidelines regarding the types of contributions that qualify as in-kind contributions.

21 (c) An elected governing body of an Indian tribe may provide shelter facilities
22 only if the department of safety and professional services determines that the
23 physical plant of the facility will not be dangerous to the health or safety of the
24 residents when the facility is in operation. An elected governing body of an Indian
25 tribe may provide shelter facilities or private home shelter care only if the body

1 ensures that the following services will be provided either by that Indian tribe or by
2 another person:

- 3 1. A 24-hour telephone service.
- 4 2. Temporary housing and food.
- 5 3. Advocacy and counseling for victims.
- 6 4. Referral and follow-up services.
- 7 5. Arrangements for education of school-age children.
- 8 6. Emergency transportation to the shelter.
- 9 7. Community education.

10 (d) An Indian tribe that provides domestic abuse services under this subsection
11 shall report all of the following information to the department by February 15
12 annually:

- 13 1. The total expenditures that the Indian tribe made on domestic abuse services
14 in the previous tribal fiscal year.
- 15 2. The expenditures specified in subd. 1. by general category of domestic abuse
16 services provided.
- 17 3. The number of persons served in the previous tribal fiscal year by general
18 type of domestic abuse service.
- 19 4. The number of persons who were in need of domestic abuse services in the
20 previous tribal fiscal year but who did not receive the domestic abuse services that
21 they needed.

22 **SECTION 13.** 48.487 (7) of the statutes is created to read:

23 48.487 (7) CHILD WELFARE SERVICES. An elected governing body of an Indian
24 tribe may expend moneys from a grant received under sub. (1m) to provide child
25 welfare services as authorized under 42 USC 621 to 628b.

SECTION 14. 48.563 (3) of the statutes is renumbered 48.487 (6) and amended to read:

48.487 (6) TRIBAL CHILD CARE. ~~For~~ An elected governing body of an Indian tribe
may expend moneys from a grant received under sub. (1m) to provide child care
services under 42 USC 9858, ~~the department shall distribute not more than \$412,800~~
~~in each fiscal year from the appropriation account under s. 20.437 (1) (b) to Indian~~
tribes. An Indian tribe that receives funding under this subsection shall use that
funding to provide child care for an eligible child, as defined in 42 USC 9858n (4).

SECTION 15. 49.165 (1) (d) (intro.) of the statutes is amended to read:

49.165 (1) (d) (intro.) “Organization” means a nonprofit corporation, or a public agency ~~or a federally recognized American Indian tribe or band~~ that provides or proposes to provide any of the following domestic abuse services:

(END)